

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 10/601,768

REMARKS

Formal Matters

As a preliminary matter, Applicant notes that the Examiner has not returned an initialed copy of the PTO/SB/08 form submitted on June 24, 2003. Applicant has reviewed the PTO's PAIR website and has confirmed that the PTO has received the Information Disclosure statement and PTO/SB/08 form (modified) submitted on June 24, 2003. Therefore, Applicant respectfully requests the Examiner to consider the reference cited on the PTO/SB/08 form by returning and initializing the same.

Because the previously submitted PTO/SB/08 form did not include the patentee's name and issue date, as a convenience for the Examiner, Applicant has attached a new PTO/SB/08 form (modified) listing Morita et al., US 6,349,892, which includes patentee's name and the issue date.

The Examiner has objected to the reference numeral "51A" at page 19, line 13 of the original specification because this reference numeral is not shown in the drawings. In response, Applicant has deleted this reference numeral.

Claims 1-16 are all of the pending claims. Claim 1 is the only independent claim.

Claim Rejection Under 35 U.S.C. § 102

Claims 1-9 and 16 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hancock et al. (US 2003/0178519).

Applicant has added the recitations of dependent claim 10 to independent claim 1. As such, Applicant respectfully requests that the Examiner withdraw this rejection.

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Obviousness-type Double Patenting Rejections

Group 1

Claims 1-9, and 16 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable in view of several co-pending applications. These applications are:

Appln. No. 10/298,929

Appln. No. 10/298,899

Appln. No. 10/298,216

Appln. No. 10/299,020

Appln. No. 10/265,912

Appln. No. 10/270,271¹

Appln. No. 10/614,045

Appln. No. 10/298,900

Appln. No. 10/299,019

Appln. No. 10/299,020

Appln. No. 10/270,173

Appln. No. 10/346,185

The obviousness-type double patenting rejection in view of the twelve applications of group 1 listed above is moot in view of the amendment to independent claim 1, discussed above. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection.

¹ Applicant believes that the Examiner intended to list co-pending US 10/270,270

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Group 2

Claims 1-11, and 15-16 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable in view of several co-pending applications. The applications are:

Appln. No. 10/445,948
Appln. No. 10/446,831
Appln. No. 10/446,832
Appln. No. 10/465,610
Appln. No. 10/465,627
Appln. No. 10/610,769
Appln. No. 10/446,140
Appln. No. 10/606,782
Appln. No. 10/642,651
Appln. No. 10/667,365

Co-pending Applications 10/455,048; 10/446,831; 10/446,831, 10/446,140; 10/606,782; and 10/642,651

Applicant respectfully traverses the obviousness-type double patenting rejection in view of applications 10/455,048; 10/446,831; 10/446,831, 10/446,140; 10/606,782; and 10/642,651 at least because the claims of the present application are not obvious in view of the claims of these applications.

For example, none of the claims of the cited applications recites “a groove formed at an interior of the case.” Moreover, the claims of the present application including “a groove formed at an interior of the case” would not have been obvious to one of ordinary skill in view of the claims of these co-pending applications.

Accordingly, Applicant respectfully requests that the Examiner withdraw the obviousness-type double patenting rejection in view of these co-pending applications.

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Co-pending Application 10/610,769

In addition, Applicant respectfully traverses the obviousness-type double patenting rejection in view of application 10/610,769 (“the ‘769 application”). The ‘769 application was filed later than the present application. As such, if the conflicting claims could not have been filed in the earlier filed application, an obviousness-type double patenting rejection must be based on a two-part test. *See* MPEP §804.B.1(a) and (b).

However, all of the claims of the ‘769 application include a recitation directed to a covering with a plurality of piece portions. Applicant respectfully submits that there is no disclosure in the present application regarding a covering with a plurality of piece portions, and, as such, the claims of the ‘769 application could not have been filed in the present application.

In addition, Applicant submits that claims including the recitation directed to a covering with a plurality of piece portions would not have been obvious in view of the claims of the present application. Therefore, Applicant respectfully requests that the Examiner withdraw the obviousness-type double patenting rejection in view of the ‘769 application.

Co-pending Applications 10/465,610; 10/465,626; and 10/667,365

Without commenting on the merits of this rejection, Applicant respectfully holds in abeyance the filing of a terminal disclaimer with respect to these co-pending applications until the Application is in condition for allowance except for obviousness-type double patenting rejections.

Conflicting claims

The Examiner has asserted that claims 1-11, 15, and 16 conflict with claims of the other co-pending applications, and has requested that any conflicted claims be canceled from all but

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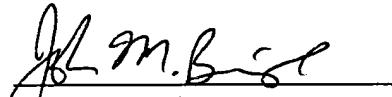
one application. Applicant respectfully requests that the Examiner withdraw this requirement to cancel claims.

MPEP §822 discusses that the requirement to cancel claims “should be used when the conflicting claims are identical or conceded by applicant to be not patently distinct.” As such, Applicant respectfully submits that canceling the claims identified by the Examiner would be inappropriate because the many applications cited by the Examiner include many claims of varying scope, and Applicant does not concede that the claims are not patently distinct.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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